



PATENT APPLICATION
Docket: 15436.247.2.1.2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Lewis B. Aronson, et al.

Serial No.:

10/629,725

Filed:

July 28, 2003

For:

INTEGRATED CIRCUIT WITH DUAL EYE
OPENERS

Examiner:

Unassigned

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) Art Unit
) 2681
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PETITION UNDER 37 C.F.R. §1.53(e)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The U.S. Patent & Trademark Office issued a Notice to File Missing Parts of Non-Provisional Application on June 15, 2004 in the above-referenced patent application. The Notice alleged that the patent application was filed with the omission of page 45 of the specification.

With this petition, the Applicants contend that the allegedly omitted page 45 of the specification was in fact deposited in the U.S. Patent & Trademark Office with the patent application papers on the filing date, July 28, 2003.

Applicants respectfully submit that the fact that page 45 of the specification was deposited with the patent application papers is hereby established in view of the evidentiary documents that accompany this petition in Exhibits A, B, C and D.

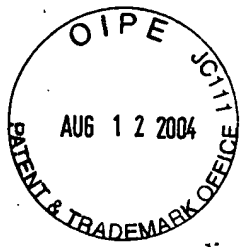
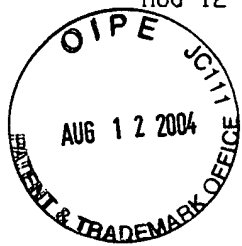


Exhibit A includes a copy of the date-stamped postcard receipt that indicates that the application papers as filed included 47 pages of the application. Exhibit B includes a copy of the Certificate of Mailing by "Express Mail", which certifies that the patent application papers filed on July 28, 2003 included 47 pages of the application. Exhibit C is a copy of the Utility Patent Application Transmittal, which references 47 pages of the application that were filed on July 28, 2003. Exhibit D is a copy of page 45 of the specification that was referenced in the documents of Exhibits A, B, and C which were filed on July 28, 2003.

Applicants point out that the 47 pages of specification include page 45 and also include all of the drawings referenced in the specification of the patent application. "A postcard receipt which itemizes and properly identifies the items which are being filed serves as prima facie evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO." (M.P.E.P. §503). Because the postcard indicates that page 45 was filed, Applicants respectfully submit that the fact that page 45 was deposited with the patent application papers has been established. In addition, the copies of the certificate of mailing and the patent application cover sheet in Exhibits B and C represent further evidence of the deposit of page 45 with the patent application papers.

Thus, Applicants respectfully request that the U.S. Patent & Trademark Office recognize that the Applicants have established the fact that page 45 was filed with the patent application papers on the filing date. Applicants also request a refund of the petition fee of 37 C.F.R. § 1.17(h) that has been paid with this petition based on the establishment herein of the fact that page 45 was deposited with the patent application papers.



The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Petition to Deposit Account No. 23-3178. Duplicate copies of this sheet are enclosed.

This Petition was originally filed via Express Mail August 5, 2004, without the attached Exhibits A, B, C and D. It is being filed again on this day via facsimile to include Exhibits A-D that were excluded on August 5, 2004.

Dated this 12 day of August, 2004.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. Burns Israelsen".

R. BURNS ISRAELSEN
Attorney for Applicant
Registration No. 42,685

CUSTOMER NUMBER: 022913

RBI:blh

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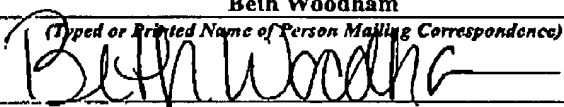
TO THE UNITED STATES PATENT AND TRADEMARK OFFICE
PLEASE STAMP AND RETURN. THANK YOU.

SUBMITTED: Utility Patent Application Transmitted (4 pgs, in triplicate); Patent Application (47 pgs); Drawings (33 pgs); PTO-2038 in the amount of \$1,200.00 (1 pg); Certificate of Express Mailing Label EV 302 232 473 US; and postcard

Applicant(s): Lewis B. Aronson, et al.
For: INTEGRATED CIRCUIT WITH DUAL EYE OPENERS

Date of Mailing: July 28, 2003
Docket: 15436.247.2.1.2
Contact: R. Burns Israelson
(801) 533-9800

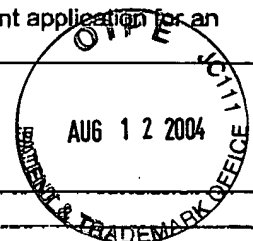
2212 U.S. PRO
10/629725
07/28/03

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)			Docket No.
Applicant(s): Lewis B. Aronson, et al.			15436.247.2.1.2
Serial No. Unassigned	Filing Date July 28, 2003	Examiner Unassigned	Group Art Unit Unassigned
Invention: INTEGRATED CIRCUIT WITH DUAL EYE OPENERS			
<p>I hereby certify that the following correspondence:</p> <div style="border: 1px solid black; padding: 5px;"><p>Utility Patent Application Transmittal (4 pgs, in triplicate); Patent Application (47 pgs); Drawings <u>33</u> pgs); PTO-2038 in the amount of \$1,200.00 (1 pg); Certificate of Express Mailing Label EV 302 232 473 US; and postcard</p></div> <p style="text-align: center;"><i>(Identify type of correspondence)</i></p> <p>is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on</p> <p style="text-align: center;"><u>July 28, 2003</u> <i>(Date)</i></p> <div style="display: flex; justify-content: space-between; align-items: flex-end;"><div style="text-align: center;"></div><div style="text-align: center;"><p><u>Beth Woodham</u> <i>(Typed or Printed Name of Person Mailing Correspondence)</i></p><p> <i>(Signature of Person Mailing Correspondence)</i></p><p><u>EV 302 232 473 US</u> <i>("Express Mail" Mailing Label Number)</i></p><p>EV302232473US</p></div></div> <p style="text-align: center;">Note: Each paper must have its own certificate of mailing.</p>			

Express Mail Label No. EV 302 232 41 5

UTILITY PATENT APPLICATION TRANSMITTAL
(Large Entity)*(Only for new nonprovisional applications under 37 CFR 1.53(b))*Docket No.
15436.247.2.1.2Total Pages in this Submission
4**TO THE COMMISSIONER FOR PATENTS**Mail Stop Patent Application
P.O. Box 1450
Alexandria, VA 22313-1450

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

INTEGRATED CIRCUIT WITH DUAL EYE OPENERS

and invented by:

Lewis B. Aronson, et al.

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____

Enclosed are:

Application Elements

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 47 pages and including the following:
 - a. ☒ Descriptive Title of the Invention
 - b. ☒ Cross References to Related Applications *(if applicable)*
 - c. ☐ Statement Regarding Federally-sponsored Research/Development *(if applicable)*
 - d. ☐ Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix
 - e. ☒ Background of the Invention
 - f. ☒ Brief Summary of the Invention
 - g. ☒ Brief Description of the Drawings *(if filed)*
 - h. ☒ Detailed Description
 - i. ☒ Claim(s) as Classified Below
 - j. ☒ Abstract of the Disclosure

UTILITY PATENT APPLICATION TRANSMITTAL
(Large Entity)*(Only for new nonprovisional applications under 37 CFR 1.53(b))*Docket No.
15436.247.2.1.2Total Pages in this Submission
4**Application Elements (Continued)**

3. ☒ Drawing(s) (when necessary as prescribed by 35 USC 113)
- a. ☒ Formal Number of Sheets 33
- b. ☐ Informal Number of Sheets _____
4. ☐ Oath or Declaration
- a. ☐ Newly executed (original or copy) ☐ Unexecuted
- b. ☐ Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional application only)
- c. ☐ With Power of Attorney ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application,
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference (usable if Box 4b is checked)
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ CD ROM or CD-R in duplicate, large table or Computer Program (Appendix)
7. ☐ Application Data Sheet (See 37 CFR 1.76)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all must be included)
- a. ☐ Computer Readable Form (CRF)
- b. ☐ Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ Paper
- c. ☐ Statement(s) Verifying Identical Paper and Computer Readable Copy

**Accompanying Application Parts**

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(B) Statement (when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☒ Certificate of Mailing
- ☐ First Class ☒ Express Mail (Specify Label No.): EV 302 232 473 US

UTILITY PATENT APPLICATION TRANSMITTAL
(Large Entity)*(Only for new nonprovisional applications under 37 CFR 1.53(b))*Docket No.
15436.247.2.1.2Total Pages in this Submission
4**Accompanying Application Parts (Continued)**

- 17.
- ☒
- Additional Enclosures (please identify below):

PTO-2038 form in the amount of \$1,200.00.

This application is a divisional of U.S. Patent Application Serial No. 10/420,027, "Transceiver Module and Integrated Circuit With Dual Eye Openers," filed April 17, 2003, which claims the benefit of U.S. Provisional Patent Application Serial No. 60/410,509, filed September 13, 2002 and which also claims the benefit of U.S. Provisional Patent Application Serial No. 60/391,877, filed June 25, 2002. The foregoing patent applications are incorporated herein by reference in their entirety.

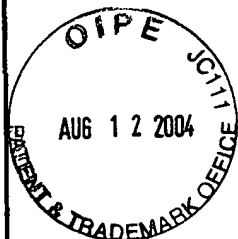
Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)

- 18.
- ☐
- Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

Warning

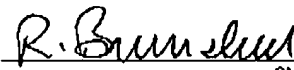
An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.



UTILITY PATENT APPLICATION TRANSMITTAL
(Large Entity)*(Only for new nonprovisional applications under 37 CFR 1.53(b))*Docket No.
15436.247.2.1.2Total Pages in this Submission
4**Fee Calculation and Transmittal****CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	31	- 20 =	11	x \$18.00	\$198.00
Indep. Claims	6	- 3 =	3	x \$84.00	\$252.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$750.00
OTHER FEE (specify purpose)					\$0.00
TOTAL FILING FEE					\$1,200.00

- ☒ A check in the amount of \$1,200.00 to cover the filing fee is enclosed.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 23-3178 as described below.
- ☐ Charge the amount of _____ as filing fee.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).


Signature

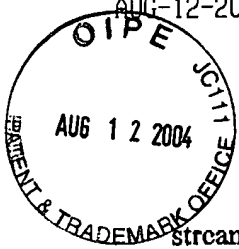
R. Burns Israelson
Attorney for Applicant
Registration No. 42,685

Dated: July 28, 2003

**022913**

CC:

PATENT TRADEMARK OFFICE



stream, and the second serial electrical data stream comprises an XFI-compliant electrical data stream.

31. In an integrated circuit for use in a transceiver module, a method for managing power consumption of the integrated circuit comprising:
- determining a mode of operation for the integrated circuit; and
 - powering down power-consuming circuitries not required for the mode of operation, the powered down circuitries selected from a group consisting of:
 - a receiver eye opener circuitry;
 - a transmitter eye opener circuitry; and
 - eye opener related circuitries.